

No. 20-13360

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

THE NEW GEORGIA PROJECT, *et al.*,

Plaintiffs-Appellees,

v.

BRAD RAFFENSPERGER, *in his official capacity as the Georgia Secretary of
State and the Chair of the Georgia State Election Board, et al.*,

Defendants-Appellants.

On appeal from the United States District Court
for the Northern District of Georgia, Atlanta Division
No. 1:20-cv-01986 – The Hon. Eleanor L. Ross

**BRIEF OF OKLAHOMA, ARIZONA, ARKANSAS, FLORIDA, IDAHO, INDIANA, KANSAS,
KENTUCKY, LOUISIANA, MISSISSIPPI, MISSOURI, MONTANA, NEBRASKA,
NORTH DAKOTA, TENNESSEE, TEXAS, SOUTH CAROLINA, SOUTH DAKOTA, AND
WEST VIRGINIA, *in support of* DEFENDANTS'-APPELLANTS' MOTION TO STAY
INJUNCTION PENDING APPEAL**

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**CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT**

Pursuant to Fed. R. App. P. 26.1 and Eleventh Circuit Rules 26.1-1, 28-1, and 29-2, the *Amici* States certify that the below is a complete list of all trial judges, attorneys, persons, associations of persons, firms, partnerships, or corporations that have in interest in the outcome of this appeal:

1. Aiken, Fred: Member of the Cobb County Board of Registration and Elections and defendant in the underlying case.
2. Andrews, Wanda: Member of the Chatham County Board of Registrars and defendant in the underlying case.
3. Augusta Georgia Law Department: Counsel for defendants Sherry T. Barnes, Marcia Brown, Terrence Dicks, Bob Finnegan, and Tim McFalls, members of the Richmond County Board of Elections, in the underlying case.
4. Bahl, Neera: Member of the Cobb County Board of Registration and Elections and defendant in the underlying case.
5. Baldwin, Beauty: Member of the Gwinnett County Board of Registration and Elections and defendant in the underlying case.
6. Barger, Gerald: Member of the Rockdale County Board of Elections and Voter Registration and defendant in the underlying case.
7. Barham, Gary: Former defendant in the underlying case. Terminated 6-17-2020.

8. Barnes, Sherry T.: Member of the Richmond County Board of Elections and defendant in the underlying case.
9. Belinfante, Joshua Barrett: Counsel for Appellants.
10. Blender, Matthew: Member of the Forsyth County Board of Registrations and Elections and defendant in the underlying case.
11. Boughey, Timothy M.: Counsel for defendants David C. Fedack, Myesha Good, Maurice Hurry, Robert Proctor, and Daniel Zimmermann, members of the Douglas County Board of Elections and Registration, in the underlying case.
12. Brinson, Askew, Berry, Seigler, Richardson & Davis, LLP: Counsel for defendants Jesse Evans, Willa Fambrough, Charles Knapper, and Ann Till, members of the Athens- Clarke County Board of Elections and Voter Registration, in the underlying case.
13. Brnovich, Mark: Arizona Attorney General; Amicus Curiae.
14. Brooks, Jessica M.: Member of the Cobb County Board of Registration and Elections and defendant in the underlying case.
15. Brown, Arch: Member of the Henry County Board of Elections and Registration and defendant in the underlying case.
16. Brown, Marcia: Member of the Richmond County Board of Elections and defendant in the underlying case.

17. Caldwell Propst & DeLoach, LLP: Counsel for Public Interest Legal Foundation, amicus curiae in the underlying case.
18. Callais, Amanda R.: Counsel for Appellees-Plaintiffs The New Georgia Project, Reagan Jennings, Candace Woodall and Beverly Pyne.
19. Callaway, Andy: Member of the Henry County Board of Elections and Registration and defendant in the underlying case.
20. Cameron, Daniel: Kentucky Attorney General; Amicus Curiae.
21. Carr, Christopher Michael: Counsel for Appellants.
22. Chatham County Attorney: Counsel for defendant Colin Mcrae, member of the Chatham County Board of Registrars, in the underlying case.
23. Clark, Jr., James Clinton: Counsel for Uhland Roberts, Margaret Jenkins, Diane Scrimshire, and Eleanor White, members of the Columbus-Muscogee County Board of Elections in the underlying case.
24. Clemmons, Dee: Former defendant in the underlying case. Terminated 6-17-2020.
25. Cole, David Alan: Counsel for defendants David C. Fedack, Myesha Good, Maurice Hurry, Robert Proctor, and Daniel Zimmermann, members of the Douglas County Board of Elections and Registration, in the underlying case.
26. Consovoy McCarthy PLLC, Jeffrey M. Harris and Cameron T. Norris, Attorneys for Amici Curiae.

27. Cook & Tolley, LLP: Counsel for defendants Jesse Evans, Willa Fambrough, Charles Knapper, and Ann Till, members of the Athens-Clarke County Board of Elections and Voter Registration, in the underlying case.
28. Cooney, Mary Carole: Member of the Fulton County Board of Registration and Elections and defendant in the underlying case.
29. Daniell, Phil: Member of the Cobb County Board of Registration and Elections and defendant in the underlying case.
30. Day, Stephen: Member of the Gwinnett County Board of Registration and Elections and defendant in the underlying case.
31. DeKalb County Law Department: Counsel for defendants Anthony Lewis, Susan Motter, Dele Lowman Smith, Samuel E. Tillman, and Baoky N. Vu, members of the DeKalb County Board of Registration and Elections, in the underlying case.
32. Denton, Alexander Fraser: Counsel for Appellants.
33. Dicks, Terrence: Member of the Richmond County Board of Elections and defendant in the underlying case.
34. Elias, Marc E.: Counsel for Appellees-Plaintiffs The New Georgia Project, Reagan Jennings, Candace Woodall, and Beverly Pyne.
35. Evans, Jesse: Member of the Athens-Clarke County Board of Elections and Voter Registration and defendant in the underlying case.

36. Fambrough, Willa: Member of the Athens-Clarke County Board of Elections and Voter Registration and defendant in the underlying case.
37. Fedack, David C.: Member of the Douglas County Board of Elections and Registration and defendant in the underlying case.
38. Ficklin, Henry: Member of the Macon-Bibb County Board of Elections and defendant in the underlying case.
39. Finnegan, Bob: Member of the Richmond County Board of Elections and defendant in the underlying case.
40. Fitch, Lynn: Mississippi Attorney General; Amicus Curiae.
41. Forsys, Matthew C.: Counsel for Landmark Legal Foundation, amicus curiae in the underlying case.
42. Freeman Mathis & Gary, LLP: Counsel for defendants David C. Fedack, Myesha Good, Maurice Hurry, Robert Proctor, and Daniel Zimmermann, members of the Douglas County Board of Elections and Registration, in the underlying case; and counsel for defendants Diane Givens, Dorothy Foster Hall, Darlene Johnson, Patricia Pullar, and Carol Wesley, members of the Clayton County Board of Elections and Registration, in the underlying case.
43. Fox, Tim: Montana Attorney General; Amicus Curiae.
44. Georgia Attorney General's Office: Counsel for Appellants.
45. Georgia Republican Party, Inc., Amicus Curiae.

46. Givens, Diane: Member of the Clayton County Board of Elections and Registration and defendant in the underlying case.
47. Good, Myesha: Member of the Douglas County Board of Elections and Registration and defendant in the underlying case.
48. Hall, Dorothy Foster: Member of the Clayton County Board of Elections and Registration and defendant in the underlying case.
49. Hamilton, Kevin J.: Counsel for Appellees-Plaintiffs The New Georgia Project, Reagan Jennings, Candace Woodall, and Beverly Pyne.
50. Hancock, Jack Reynolds: Counsel for defendants Diane Givens, Dorothy Foster Hall, Darlene Johnson, Patricia Pullar, and Carol Wesley, members of the Clayton County Board of Elections and Registration, in the underlying case.
51. Hand, Benny G.: Member of the Albany-Dougherty County Joint Board of Registration and Elections and defendant in the underlying case.
52. Hart, Ralph Jonathan: Counsel for defendants Colin Mcrae, Wanda Andrews, William L. Norse and Jon Pannell, members of the Chatham County Board of Registrars, in the underlying case.
53. Hawkins, John Matthew: Counsel for defendants Jesse Evans, Willa Fambrough, Charles Knapper, and Ann Till, members of the Athens-Clarke County Board of Elections and Voter Registration, in the underlying case.

54. Haynie, Litchfield & White, PC: Counsel for defendants Fred Aiken, Neera Bahl, Jessica M. Brooks, Phil Daniell, and Darryl O. Wilson, members of the Cobb County Board of Registration, in the underlying case.
55. Hicks, Darry: Member of the Fayette County Board of Elections and Voter Registration and defendant in the underlying case.
56. Hill, Jr. Curtis T.: Indiana Attorney General; Amicus Curiae.
57. Holstein, Stephanie R.: Counsel for Appellees-Plaintiffs The New Georgia Project, Reagan Jennings, Candace Woodall, and Beverly Pyne.
58. Hurry, Maurice: Member of the Douglas County Board of Elections and Registration and defendant in the underlying case.
59. Ingram, Randy: Member of the Forsyth County Board of Registrations and Elections and defendant in the underlying case.
60. Jacoutot, Bryan F.: Counsel for defendants Beauty Baldwin, Stephen Day, John Mangano, Alice O'Lenick, and Ben Satterfield, members of the Gwinnett County Board of Registration and Elections, in the underlying case; and defendants Darry Hicks, Addison Lester, and Aaron Wright, members of the Fayette County Board of Elections and Voter Registration, in the underlying case.
61. James, Karen: Member of the Rockdale County Board of Elections and Voter Registration and defendant in the underlying case.

62. Jarrard & Davis LLP: Counsel for defendants Matthew Blender, Randy Ingram, Barbara Luth, Joel Natt, and Carla Radzikinas, members of the Forsyth County Board of Registrations and Elections in the underlying case; defendants Arch Brown, Andy Callaway, Donna Morris- McBride, Dan Richardson, Mildred Schmelz, Vivian Thomas, and Johnny Wilson, members of the Henry County Board of Elections and Registration, in the underlying case; defendants Phil Johnson, Kelly Robinson, and Dustin Thompson, members of the Newton County Board of Elections and Registration, in the underlying case; and defendants Benny G. Hand, Pamela Middleton, Dontravious Simmons, Annabelle T. Stubbs, and Frederick Williams, members of the Albany-Dougherty County Joint Board of Registration and Elections, in the underlying case.
63. Jaugstetter, Patrick D.: Counsel for defendants Arch Brown, Andy Callaway, Donna Morris-McBride, Dan Richardson, Mildred Schmelz, Vivian Thomas, and Johnny Wilson, members of the Henry County Board of Elections and Registration, in the underlying case.
64. Jenkins, Margaret: Member of the Columbus-Muscogee County Board of Elections and defendant in the underlying case.
65. Jennings, Reagan: Appellee-Plaintiff.

66. Johnson, Aaron: Member of the Fulton County Board of Registration and Elections and defendant in the underlying case.
67. Johnson, Darlene: Member of the Clayton County Board of Elections and Registration and defendant in the underlying case.
68. Johnson, Melanie Leigh: Counsel for Appellants.
69. Johnson, Phil: Member of the Newton County Board of Elections and Registration and defendant in the underlying case.
70. Josey, Virginia Candace: Counsel for defendants Henry Ficklin, Mike Kaplan, Cassandra Powell, Herbert Spangler, and Rinda Wilson, members of the Macon-Bibb County Board of Elections, in the underlying case.
71. Kaplan, Mike: Member of the Macon-Bibb County Board of Elections and defendant in the underlying case.
72. Knapp, Jr., Halsey G.: Counsel for Appellees-Plaintiffs The New Georgia Project, Reagan Jennings, Candace Woodall, and Beverly Pyne.
73. Knapper, Charles: Member of the Athens-Clarke County Board of Elections and Voter Registration and defendant in the underlying case.
74. Krevolin & Horst, LLC: Counsel for Appellees-Plaintiffs The New Georgia Project, Reagan Jennings, Candace Woodall, and Beverly Pyne.
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76. Landmark Legal Foundation: Amicus curiae in the underlying case

77. Landry, Jeff: Louisiana Attorney General; Amicus Curiae.
78. LaRoss, Diane Festin: Counsel for defendants Beauty Baldwin, Stephen Day, John Mangano, Alice O'Lenick, and Ben Satterfield, members of the Gwinnett County Board of Registration and Elections, in the underlying case; and defendants Darry Hicks, Addison Lester, and Aaron Wright, members of the Fayette County Board of Elections and Voter Registration, in the underlying case.
79. Le, Anh: Member of the Georgia State Election Board and Appellant-Defendant.
80. Lester, Addison: Member of the Fayette County Board of Elections and Voter Registration and defendant in the underlying case.
81. Lewis, Anthony: Member of the DeKalb County Board of Registration and Elections and defendant in the underlying case.
82. Lewis, Joyce Gist: Counsel for Appellees-Plaintiffs The New Georgia Project, Reagan Jennings, Candace Woodall, and Beverly Pyne.
83. Linkous, III, William J.: Counsel for defendants Aldren Sadler, Sr., Karen James, and Gerald Barger, members of the Rockdale County Board of Elections and Voter Registration, in the underlying case.
84. Luth, Barbara: Member of the Forsyth County Board of Registrations and Elections and defendant in the underlying case.

85. MacDougald, Harry W.: Counsel for Public Interest Legal Foundation and Landmark Legal Foundation, amicus curiae in the underlying case.
86. Mack, Rachel Nicole: Counsel for defendants Sherry T. Barnes, Marcia Brown, Terrence Dicks, Bob Finnegan, and Tim McFalls, members of the Richmond County Board of Elections, in the underlying case.
87. Mangano, John: Member of the Gwinnett County Board of Registration and Elections and defendant in the underlying case.
88. Martin, Megan Nicole: Counsel for defendants Phil Johnson, Kelly Robinson, and Dustin Thompson, members of the Newton County Board of Elections and Registration, in the underlying case.
89. Martin, Talula: Former defendant in the underlying case. Terminated 6-30-2020.
90. Mashburn, Matthew: Member of the Georgia State Election Board and Appellant-Defendant.
91. McFalls, Tim: Member of the Richmond County Board of Elections and defendant in the underlying case.
92. McGowan, Charlene S.: Counsel for Appellants.
93. Mcrae, Colin: Member of the Chatham County Board of Registrars and defendant in the underlying case.

94. Michael Best & Friedrich LLP and Stefan Passantino, Attorneys for Amici Curiae.
95. Middleton, Pamela: Member of the Albany-Dougherty County Joint Board of Registration and Elections and defendant in the underlying case.
96. Miller, Carey Allen: Counsel for Appellants.
97. Momo, Shelley Driskell: Counsel for defendants Anthony Lewis, Susan Motter, Dele Lowman Smith, Samuel E. Tillman, and Baoky N. Vu, members of the DeKalb County Board of Registration and Elections, in the underlying case.
98. Moody, Ashley: Florida Attorney General; Amicus Curiae.
99. Morris-McBride, Donna: Member of the Henry County Board of Elections and Registration and defendant in the underlying case.
100. Morrissey: West Virginia Attorney General; Amicus Curiae.
101. Motter, Susan: Member of the DeKalb County Board of Registration and Elections and defendant in the underlying case.
102. Natt, Joel: Member of the Forsyth County Board of Registrations and Elections and defendant in the underlying case.
103. Newkirk, Zachary J.: Counsel for Appellees-Plaintiffs The New Georgia Project, Reagan Jennings, Candace Woodall, and Beverly Pyne.

104. Noland Law Firm, LLC: Counsel for defendants Henry Ficklin, Mike Kaplan, Cassandra Powell, Herbert Spangler, and Rinda Wilson, members of the Macon-Bibb County Board of Elections, in the underlying case.
105. Noland, William H.: Counsel for defendants Henry Ficklin, Mike Kaplan, Cassandra Powell, Herbert Spangler, and Rinda Wilson, members of the Macon-Bibb County Board of Elections, in the underlying case.
106. Norse, William L.: Member of the Chatham County Board of Registrars and defendant in the underlying case.
107. Nuriddin, Vernetta: Member of the Fulton County Board of Registration and Elections and defendant in the underlying case.
108. Oklahoma Office of the Attorney General: Amicus Curiae.
109. O'Lenick, Alice: Member of the Gwinnett County Board of Registration and Elections and defendant in the underlying case.
110. O'Neill, Michael J.: Counsel for Landmark Legal Foundation, amicus curiae in the underlying case.
111. Page Scramton, Sprouse, Tucker & Ford, P.C.: Counsel for Uhland Roberts, Margaret Jenkins, Diane Scrimshire, and Eleanor White, members of the Columbus-Muscookee County Board of Elections in the underlying case.
112. Pannell, Jon: Member of the Chatham County Board of Registrars and defendant in the underlying case.

113. Paradise, Loree Anne: Counsel for defendants Beauty Baldwin, Stephen Day, John Mangano, Alice O'Lenick, and Ben Satterfield, members of the Gwinnett County Board of Registration and Elections, in the underlying case; and defendants Darry Hicks, Addison Lester, and Aaron Wright, members of the Fayette County Board of Elections and Voter Registration, in the underlying case.
114. Parker, Linda: Member of the Columbus-Muscogee County Board of Elections and defendant in the underlying case.
115. Paxton, Ken: Texas Attorney General; Amicus Curiae.
116. Perkins Coie-CO: Counsel for Appellees-Plaintiffs, The New Georgia Project, Reagan Jennings, Candace Woodall, and Beverly Pyne.
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118. Perkins Coie LLP: Counsel for Appellees-Plaintiffs, The New Georgia Project, Reagan Jennings, Candace Woodall, and Beverly Pyne.
119. Perkins Coie-WA: Counsel for Appellees-Plaintiffs, The New Georgia Project, Reagan Jennings, Candace Woodall, and Beverly Pyne.
120. Peterson, Douglas J.: Nebraska Attorney General; Amicus Curiae.
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122. Pinson, Andrew: Counsel for Appellants.
123. Powell, Cassandra: Member of the Macon-Bibb County Board of Elections and defendant in the underlying case.
124. Proctor, Robert: Member of the Douglas County Board of Elections and Registration and defendant in the underlying case.
125. Public Interest Legal Foundation: Amicus Curiae in the underlying case.
126. Public Interest Legal Foundation-IN: Counsel for Public Interest Legal Foundation, amicus curiae in the underlying case.
127. Pullar, Patricia: Member of the Clayton County Board of Elections and Registration and defendant in the underlying case.
128. Pyne, Beverly: Appellee-Plaintiff.
129. Radzikinas, Carla: Member of the Forsyth County Board of Registrations and Elections and defendant in the underlying case.
130. Raffensperger, Brad: Georgia Secretary of State, Chair of the Georgia State Election Board, and Appellant-Defendant in the underlying case.
131. Ravensborg, Jason R.: South Dakota Attorney General; Amicus Curiae.
132. Richardson, Dan: Member of the Henry County Board of Elections and Registration and defendant in the underlying case.
133. The Republican National Committee, Amicus Curiae.

134. Roberts, Uhland: Member of the Columbus-Muscogee County Board of Elections and defendant in the underlying case.
135. Robbins Ross Alloy Belinfante Littlefield LLC: Counsel for Appellants.
136. Robin, Kenneth Paul: Counsel for defendants Matthew Blender, Randy Ingram, Barbara Luth, Joel Natt, and Carla Radzikinas, members of the Forsyth County Board of Registrations and Elections in the underlying case; defendants Arch Brown, Andy Callaway, Donna Morris- McBride, Dan Richardson, Mildred Schmelz, Vivian Thomas, and Johnny Wilson, members of the Henry County Board of Elections and Registration, in the underlying case; defendants Phil Johnson, Kelly Robinson, and Dustin Thompson, members of the Newton County Board of Elections and Registration, in the underlying case; and defendants Benny G. Hand, Pamela Middleton, Dontravious Simmons, Annabelle T. Stubbs, and Frederick Williams, members of the Albany-Dougherty County Joint Board of Registration and Elections, in the underlying case.
137. Robinson, Kelly: Member of the Newton County Board of Elections and Registration and defendant in the underlying case.
138. Ross, Hon. Eleanor L.: United States District Judge for the Northern District of Georgia and judge in the underlying case.
139. Russo, Jr., Vincent Robert: Counsel for Appellants.

140. Ruiz, Christian Ramses: Counsel for Appellees-Plaintiffs The New Georgia Project, Reagan Jennings, Candace Woodall, and Beverly Pyne.
141. Ruth, Kathleen: Member of the Fulton County Board of Registration and Elections and defendant in the underlying case.
142. Rutledge, Leslie: Arkansas Attorney General; Amicus Curiae.
143. Sadler, Sr., Aldren: Member of the Rockdale County Board of Elections and Voter Registration and defendant in the underlying case.
144. Satterfield, Ben: Member of the Gwinnett County Board of Registration and Elections and defendant in the underlying case.
145. Schmelz, Mildred: Member of the Henry County Board of Elections and Registration and defendant in the underlying case.
146. Schmidt, Derek: Kansas Attorney General; Amicus Curiae.
147. Schmitt, Eric: Missouri Attorney General; Amicus Curiae.
148. Scrimshire, Diane: Member of the Columbus-Muscogee County Board of Elections and defendant in the underlying case.
149. Simmons, Dontravious M.: Member of the Albany-Dougherty County Joint Board of Registration and Elections and defendant in the underlying case.
150. Slatery III, Herbert H.: Tennessee Attorney General; Amicus Curiae.
151. Slay, Randolph: Member of the Chatham County Board of Registrars and defendant in the underlying case.

152. Smith, Dele Lowman: Member of the DeKalb County Board of Registration and Elections and defendant in the underlying case.
153. Smith, K'shaani: Former counsel for Appellees-Plaintiffs The New Georgia Project, Reagan Jennings, Candace Woodall, and Beverly Pyne, in the underlying case. Terminated 8-17-2020.
154. Snipes, Alan G.: Counsel for Uhland Roberts, Margaret Jenkins, Diane Scrimshire, and Eleanor White, members of the Columbus-Muscogee County Board of Elections in the underlying case.
155. Sowell, Gregory C.: Counsel for defendants Jesse Evans, Willa Fambrough, Charles Knapper, and Ann Till, members of the Athens-Clarke County Board of Elections and Voter Registration, in the underlying case.
156. Spangler, Herbert: Member of the Macon-Bibb County Board of Elections and defendant in the underlying case.
157. Sparks, Adam Martin: Counsel for Appellees-Plaintiffs The New Georgia Project, Reagan Jennings, Candace Woodall, and Beverly Pyne.
158. Stenenhjem, Wayne: North Dakota Attorney General; Amicus Curiae.
159. Stubbs, Annabelle T.: Member of the Albany-Dougherty County Joint Board of Registration and Elections and defendant in the underlying case.
160. Sullivan, Rebecca N.: Member of the Georgia State Election Board and Appellant-Defendant.

161. Taylor English Duma LLP: Counsel for defendants Beauty Baldwin, Stephen Day, John Mangano, Alice O'Lenick, and Ben Satterfield, members of the Gwinnett County Board of Registration and Elections, in the underlying case; and defendants Darry Hicks, Addison Lester, and Aaron Wright, members of the Fayette County Board of Elections and Voter Registration, in the underlying case.
162. The New Georgia Project: Appellee-Plaintiff.
163. Thomas, Vivian: Member of the Henry County Board of Elections and Registration and defendant in the underlying case.
164. Thompson, Dustin: Member of the Newton County Board of Elections and Registration and defendant in the underlying case.
165. Till, Ann: Member of the Athens-Clarke County Board of Elections and Voter Registration and defendant in the underlying case.
166. Tillman, Samuel E: Member of the DeKalb County Board of Registration and Elections and defendant in the underlying case.
167. Timmermann, Lilian Margarita: Counsel for Appellees- Plaintiffs The New Georgia Project, Reagan Jennings, Candace Woodall, and Beverly Pyne.
168. Tyson, Bryan P.: Counsel for defendants Beauty Baldwin, Stephen, Day, John Mangano, Alice O'Lenick, and Ben Satterfield, members of the Gwinnett County Board of Registration and Elections, in the underlying case; and

- defendants Darry Hicks, Addison Lester, and Aaron Wright, members of the Fayette County Board of Elections and Voter Registration, in the underlying case.
169. Vander Els, Irene B.: Counsel for defendants Anthony Lewis, Susan Motter, Dele Lowman Smith, Samuel E. Tillman, and Baoky N. Vu, members of the DeKalb County Board of Registration and Elections, in the underlying case.
 170. Vu, Baoky N.: Member of the DeKalb County Board of Registration and Elections and defendant in the underlying case.
 171. Wasden, Lawrence: Idaho Attorney General; Amicus Curiae.
 172. Webb, Bryan K.: Counsel for Appellants.
 173. Wesley, Carol: Member of the Clayton County Board of Elections and Registration and defendant in the underlying case.
 174. White, Daniel Walter: Counsel for defendants Fred Aiken, Neera Bahl, Jessica M. Brooks, Phil Daniell, and Darryl O. Wilson, members of the Cobb County Board of Registration, in the underlying case.
 175. White, Eleanor: Member of the Columbus-Muscogee County Board of Elections and defendant in the underlying case.
 176. Willard, Russell D.: Counsel for Appellants.
 177. Williams, Frederick: Member of the Albany-Dougherty County Joint Board of Registration and Elections and defendant in the underlying case.

178. Wilson, Alan: South Carolina Attorney General; Amicus Curiae.
179. Wilson, Jr., Darryl O.: Member of the Cobb County Board of Registration and Elections and defendant in the underlying case.
180. Wilson, Johnny: Former defendant in the underlying case. Terminated 6-17-2020.
181. Wilson, Rinda: Member of the Macon-Bibb County Board of Elections and defendant in the underlying case.
182. Wingate, Mark: Member of the Fulton County Board of Registration and Elections and defendant in the underlying case.
183. Wood, June: Former defendant in the underlying case. Terminated 6-17-2020.
184. Woodall, Candace: Appellee-Plaintiff.
185. Worley, David J.: Member of the Georgia State Election Board and Appellant-Defendant.
186. Wright, Aaron: Member of the Fayette County Board of Elections and Voter Registration and defendant in the underlying case.
187. Zimmermann, Daniel: Member of the Douglas County Board of Elections and Registration and defendant in the underlying case.

None of the *Amici* States have a parent corporation or a corporation that owns 10% or more of its stock.

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* *Thomas v. Andino*,
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OTHER AUTHORITIES

Jesse McKinley, *Why the Botched N.Y.C. Primary Has Become the November Nightmare*,
N.Y. TIMES (Aug. 3, 2020)6

VOPP: Table 11: Receipt and Postmark Deadlines for Absentee Ballots,
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Voting Outside the Polling Place: Absentee, All-Mail and other Voting at Home Options,
NAT’L CONF. OF STATE LEGIS.1

CONSTITUTIONAL PROVISIONS

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STATEMENT OF THE ISSUE

Should the district court’s injunction modifying Georgia’s deadline for receiving absentee ballots be stayed?

INTERESTS OF *AMICI CURIAE* AND SUMMARY OF THE ARGUMENT¹

The court below enjoined “[t]he most common state deadline for election officials to receive absentee/mailed ballots”—“Election Day when the polls close.”² Thirty-two states, including many of the *amici* states and every state in this Circuit, have the same deadline.³ Yet the district court took it upon itself to fashion a new deadline, declaring that the deadline used by the majority of states for many decades suddenly violates the Constitution during the COVID-19 pandemic. The states have important interests in setting Election-Day ballot receipt deadlines—including order, efficiency, timely election results, and avoiding problems caused by postmark deadlines that undermine confidence in the election—and a deadline is not rendered unconstitutional merely because some voters will not act in a timely fashion. That is why courts across the country have upheld Election-Day receipt deadlines, including during the pandemic.

¹ As chief legal officers of their respective States, *amici* may file this brief without the consent of the parties or leave of the Court. Fed. R. App. P. 29(a)(2).

² *Voting Outside the Polling Place: Absentee, All-Mail and other Voting at Home Options*, NAT’L CONF. OF STATE LEGIS., <https://www.ncsl.org/research/elections-and-campaigns/absentee-and-early-voting.aspx>.

³ *VOPP: Table 11: Receipt and Postmark Deadlines for Absentee Ballots*, NAT’L CONF. OF STATE LEGIS., <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-11-receipt-and-postmark-deadlines-for-absentee-ballots.aspx>

Amici also all share an interest in the standards that must be met before a federal court upends state election laws in the weeks preceding an election. A stay is warranted to prevent last-minute judicial re-writing of state election laws, which can sow confusion, chaos, and uncertainty in the midst of an already-tense election cycle.

ARGUMENT

I. Election Day absentee ballot receipt deadlines are constitutional even if some proportion of voters fail to comply with such deadlines.

Election deadlines “will invariably burden some voters. . . for whom the earlier time is inconvenient,” but these burdens are assessed in light of “a state’s legitimate interest in providing order, stability, and legitimacy to the electoral process.” *Utah Republican Party v. Cox*, 892 F.3d 1066, 1077 (10th Cir. 2018). Thus, a “generally applicable deadline that applied to all would-be absentee voters would likely survive the *Anderson-Burdick* analysis, even if it resulted in disenfranchisement for certain . . . individuals.” *Mays v. LaRose*, 951 F.3d 775, 792 (6th Cir. 2020); *see also Griffin v. Roupas*, 385 F.3d 1128, 1130 (7th Cir. 2004) (every election law “is going to exclude, either de jure or de facto, some people from voting”).

As the Supreme Court explained in *Rosario v. Rockefeller*, if a plaintiff “could have” met an election-related deadline, any electoral burden they suffer is due to “their own failure to take timely steps to effect their enrollment.” 410 U.S. 752, 758 (1973). Lack of “sufficient awareness of the relevant circumstances and the likely consequences” of the deadline does not create a valid constitutional claim because such an argument could

be maintained against any deadline. *Id.* at 758 n.7. Just this year, the Court observed that voters who wait weeks into absentee voting and request a ballot at the last minute are suffering the typical burden of a “late-requesting voter,” not an unconstitutional burden imposed by state law. *See Republican Nat’l Comm. v. Democratic Nat’l Comm.*, 140 S. Ct. 1207, 1207 (Apr. 6, 2020) (per curiam). And the Court has long given “little weight” to any alleged interest in “making a late rather than an early decision.” *Burdick v. Takushi*, 504 U.S. 428, 437(1992) (quoting *Storer v. Brown*, 415 U.S. 724, 736 (1974)).

Thus, while some voters will inevitably fail to comply with *any* deadline—including the postmark-and-three-days-after-Election-Day deadline invented by the district court—courts have consistently held in this and other election-related contexts that “voters who fail to get their vote in early cannot blame [state] law for their inability to vote; they must blame ‘their own failure to take timely steps.’” *Thomas v. Andino*, No. 3:20CV1552, 2020 WL 2617329, at *26 (D.S.C. May 25, 2020) (quoting *Rosario*, 410 U.S. at 758); *DCCC v. Ziriak*, No. 4:20CV211, 2020 WL 5569576, at *18 (N.D. Okla. Sept. 17, 2020) (“Because the State offers voters wishing to vote by absentee ballot options to ensure their votes are timely returned, voters who fail to ensure timely return of their ballots should not blame the law for their inability to vote.”); *Grossman v. Sec’y of the Commonwealth*, 485 Mass. 541, 2020 WL 5033954, at *6 (2020); *Friedman v. Snipes*, 345 F. Supp. 2d 1356, 1377-78 (S.D. Fla. 2004); *cf. also Lawrence v. Blackwell*, 430 F.3d 368, 373 (6th Cir. 2005); *Democracy N. Carolina v. N. Carolina State Bd. of Elections*, No. 1:20CV457, 2020 WL 4484063, at *38-40 (M.D.N.C. Aug. 4, 2020); *Isabel v. Reagan*, 394 F. Supp. 3d

966, 982-83 (D. Ariz. 2019); *Chelsea Collaborative, Inc. v. Sec’y of Commonwealth*, 100 N.E.3d 326, 335 (Mass. 2018); *Crum v. Duran*, 390 P.3d 971, 976 (N.M. 2017); *Gallagher v. Indiana State Election Bd.*, 598 N.E.2d 510, 516 (Ind. 1992).

For these reasons, Plaintiffs’ statistics about how many voters in fact did not comply with the deadline are irrelevant because they do not give the reasons for failure to comply: whether it was because they were unable to or instead because they did not take reasonable efforts to comply, perhaps because they chose to wait too long to request or return their absentee ballot. *See Ziriax*, 2020 WL 5569576, at *18. Regulations that can be complied with by reasonable efforts are not significant burdens to the right to vote. *See Crawford v. Marion Cty. Election Bd.*, 553 U.S. 181, 198 (2008); *Frank v. Walker*, 819 F.3d 384, 386-87 (7th Cir. 2016). “An absentee voter is responsible for acting with sufficient time to ensure timely delivery of her ballot,” just like other voters “must take appropriate precautions by heading to the polls with a sufficient cushion of time to account for traffic, weather, or other conditions that might otherwise interfere with their ability to arrive in time to cast a ballot.” *Ziriax*, 2020 WL 5569576, at *18. This remains true even if traffic or weather “was outside the voter’s control,” as the court below puts it. *Op.* at 56.

After all, states must have a point at which they stop receiving ballots and start counting them to determine the winner. *Cox*, 892 F.3d at 1077; *Friedman*, 345 F. Supp. 2d at 1377. Any deadline in election law is a “balance between promoting smooth and accurate elections, on the one hand, and encouraging voter turnout, on the other.”

ACORN v. Bysiewicz, 413 F. Supp. 2d 119, 124 (D. Conn. 2005). The balance between these two interests is “quintessentially a legislative judgment with which [] judges should not interfere unless strongly convinced that the legislative judgment is grossly awry.” *Id.* (quoting *Griffin*, 385 F.3d at 1131).

This is true because the Constitution makes it clear that it is for the states to prescribe “the ***Times***, Places and Manner of holding Elections.” U.S. CONST. art. I, § 4 (emphasis added). States have “broad powers to determine the conditions under which the right of suffrage may be exercised.” *Shelby Cnty. v. Holder*, 570 U.S. 529, 543 (2013). And states have “significant flexibility in implementing their own voting systems,” *John Doe No. 1 v. Reed*, 561 U.S. 186, 195 (2010) , which includes setting deadlines.

The court below was thus quite correct in holding that the state’s interest in “conducting an efficient election,” “maintaining order,” and “quickly certifying election results” are “strong.” Op. at 60. But states also have strong interests in *not* using a postmark deadline like the one enacted by the court below. Deadlines like the one enacted by Georgia “eliminate[] the problem of missing, unclear, or even altered postmarks, eliminates delay that can have adverse consequences, and eliminates the remote possibility that in an extremely close election ... a person who did not vote on or before election day can fill out and submit a ballot later.” *Nielsen v. DeSantis*, No.

4:20CV236, 2020 WL 5552872, at *1 (N.D. Fla. June 24, 2020).⁴ “The deadline also secures voter confidence in the election: voters become less sure of the results if a candidate is declared a winner on or shortly after election day, but the results are changed several days or a week later.” *Ziriox*, 2020 WL 5569576, at *19.

Not surprisingly, courts across the country (including in this Circuit) have upheld Election Day receipt deadlines for absentee ballots. *See id.* at *18-20; *Nielsen*, 2020 WL 5552872, at *1; *Thomas*, 2020 WL 2617329, at *26; *Friedman*, 345 F. Supp. 2d at 1377; *Grossman*, 485 Mass. 541, 2020 WL 5033954, at *7. The reality of the coronavirus pandemic does not change the constitutionality of Georgia’s voting laws. As many courts have noted, the states did not create the virus or impose the pandemic’s burden on voters—COVID-19 is not state action that subjects otherwise-valid state laws to challenge.⁵ At most, COVID-19 is now part of the “usual burden on voting” that arises “arising out of life’s vagaries,” and thus not a burden that renders a state law

⁴ *See also* Jesse McKinley, *Why the Botched N.Y.C. Primary Has Become the November Nightmare*, N.Y. TIMES (Aug. 3, 2020), <https://www.nytimes.com/2020/08/03/nyregion/nyc-mail-ballots-voting.html> (describing thousands of ballots rejected in New York primaries because of postmark problems).

⁵ *See Thompson v. DeWine*, No. 20-3526, 2020 WL 5542883, at *1 (6th Cir. Sep. 16, 2020); *Thompson v. DeWine*, 959 F.3d 804, 810 (6th Cir. 2020); *Texas Democratic Party v. Abbott*, 961 F.3d 389, 405 (5th Cir. 2020); *id.* at 415-16 (Ho, J., concurring); *Clark v. Edwards*, Nos. 20CV283, 20CV308, 2020 WL 3415376, at *10-11 (M. D. La. June 22, 2020); *Coalition for Good Governance v. Raffensperger*, No. 1:20CV1677, 2020 WL 2509092, at *3 n.2. (N.D. Ga. May 14, 2020).

unconstitutional. *Crawford*, 553 U.S. at 197-98. And the Supreme Court has consistently deferred to state officials' judgment in determining how best to manage COVID-19's impact on voting and elections. See *Republican Nat'l Comm. v. Common Cause RI*, No. 20A28, 2020 WL 4680151, at *1 (Aug. 13, 2020); *Little v. Reclaim Idaho*, No. 20A18, 2020 WL 4360897, *1-2 (July 30, 2020) (Roberts, C.J., concurring); *Republican Nat'l Comm.*, 140 S. Ct. at 1207.⁶

II. The district court's reasoning does not justify enjoining Georgia's election laws weeks before the November general election.

In the face of this clear weight of authority, the district court's reasons for enjoining Georgia's ballot receipt deadline lack merit.

For legal authority, the district court (Op. at 58-60) pointed to a Wisconsin case where a court modified a ballot receipt deadline during the pandemic, but there the "[m]ost persuasive" justification was "the fact that the [Wisconsin Election Commission] itself does not oppose extending the deadline." *DNC v. Bostelmann*, 2020, No. 20-CV-249, WL 1638374, at *17 (W.D. Wis. Apr. 02, 2020). This modification was also in response to massive problems with timely delivery of absentee ballots to voters then occurring in Wisconsin, such that "even the most diligent voter may be unable to

⁶ Lower courts have followed suit, declining to alter election laws during this latest emergency. See *Sinner v. Jaeger*, No. 3:20CV76, 2020 WL 3244143, at *6 (D.N.D. June 15, 2020); *Williams v. DeSantis*, No. 1:20CV67, Doc. 12 (N.D. Fla. Mar. 17, 2020); see also *Bethea v. Deal*, No. 2:16CV140, 2016 WL 6123241, at *2-3 (S.D. Ga. Oct. 19, 2016) (Hurricane Matthew).

return his or her ballot in time to be counted.” *Id.* In this case, however, neither of these factors are true in Georgia or will with any certainty occur in November. *See also Thomas*, 2020 WL 2617329, at *27 n.27 (distinguishing Wisconsin case in declining to enjoin South Carolina’s ballot receipt deadline); *Ziriox*, 2020 WL 5569576, at *19 (same with respect to Oklahoma’s deadline).⁷

In this case, there is no evidence that a substantial number of Georgia voters will be wholly unable to comply with the deadline if they take reasonable efforts to timely request and return their absentee ballot. The district court pointed to a single Georgia voter residing out of state that, in 2018, timely requested her ballot but did not receive it until the day before Election Day (Op. at 13, 57-58), but there was no evidence as to what caused this delay, whether such cause still exists, and whether such a delay would occur for that voter again this November—much less for any other number of voters.⁸

Finally, the district court noted that during the 2020 primaries in Georgia, the unexpected volume of absentee ballot requests strained the electoral system which, combined with alleged “poor administration of absentee ballots,” caused delays in the

⁷ At the Supreme Court, this extension was not appealed, but instead the Court declined to further extend the deadline despite claims that some voters still could not return their ballots in time. *Republican Nat’l Comm.*, 140 S. Ct. at 1206-08.

⁸ This voter also requested but did not receive a primary ballot in 2020, but she admits she was notified that she did not properly fill out the absentee ballot application by failing to specify her political party, depriving the election board of the information necessary to know which primary ballot to send her.

delivery of absentee ballots. Op. at 57, 59-60. But courts cannot simply assume that state and local public servants will refuse to learn the lessons of the past, and here Georgia officials are taking significant steps to address the expected increased volume of absentee ballot requests. The court below erred in enjoining a state law based on speculation about a future “*potentially* substantial backlog” that might “increas[e] the *possibility* that voters will receive their ballots on a later date.” Op. at 59 (emphasis added). Such conjecture cannot suffice to justify a court’s decision to rewrite a state’s election laws.

* * *

As the Supreme Court has warned in election cases, decisions like the one by the court below to change the rules in the midst of an election cycle may “result in voter confusion and consequent incentive to remain away from the polls.” *Purcell v. Gonzalez*, 549 U.S. 1, 5 (2006). The Supreme Court “has repeatedly emphasized that lower federal courts should ordinarily not alter the election rules on the eve of an election,” *Republican Nat’l Comm.*, 140 S. Ct. at 1207, which avoids “serious disruption of [the] political process,” *Williams v. Rhodes*, 393 U.S. 23, 34-35 (1968). Notifying voters of the changed election rules, including altering the instructions sent with absentee ballots, to avoid voter confusion risks delaying the mailing of absentee ballots to voters—potentially creating the precise time crunch the district court was purporting to avoid. *See Ziriox*, 2020 WL 5569576, at *23.

Confusion among voters is not the only risk. Thousands of election workers and volunteers across Georgia would have to be retrained on the new deadline, reading often-inscrutable postmarks, and determining how to handle missing postmarks (a situation more likely to occur as USPS rushes to deliver late-arriving ballots). *See id.* at *10. And as noted above delays in certifying election results because of late-arriving ballots stresses public confidence in the election, especially in close local contests or nationally important ones like selecting a new President. Courts should avoid adding such strain to an already-tense election year.

CONCLUSION

For the foregoing reasons, the Court should stay the injunction pending appeal.

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CERTIFICATE OF COMPLIANCE

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